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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

This Document Relates To Individual Case No.  
3:11-cv-06276-SC

Master File No. 3:07-md-05944-SC

MDL No. 1917

OFFICE DEPOT, INC.

Plaintiff,

vs.

HITACHI, LTD., *et al.*,

Defendants.

**RANDALL WICK DECLARATION IN  
SUPPORT OF DIRECT ACTION  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT BASED UPON  
PLAINTIFFS' PURPORTED FAILURE  
TO DISTINGUISH BETWEEN  
ACTIONABLE AND NON-ACTIONABLE  
DAMAGES UNDER THE FTAIA**

Judge: Hon. Samuel P. Conti  
Court: Courtroom 1, 17th Floor  
Date: February 6, 2015  
Time: 10:00 a.m.

1  
2 I, Randall Wick, hereby declare as follows:

3 1. I am currently Senior Vice President of Merchandising for Technology at Office  
4 Depot, Inc. I make this declaration based on my personal knowledge.

5 2. I gave corporate representative testimony on behalf of Office Depot, Inc. and  
6 OfficeMax, Inc. (collectively, "Office Depot") in this action, and testified on Office Depot's  
7 behalf as to its practices for purchasing and acquiring CRT Products during the Relevant Period  
8 of 1995 through 2007.

9 3. During the Relevant Period, Office Depot made its purchases of CRT Products  
10 exclusively from locations in the United States, as reflected at page 116 of Office Depot's  
11 corporate representative deposition testimony, a true and correct copy of which is attached  
12 hereto as Exhibit 1.

13 4. During the Relevant Period, Office Depot purchased CRT Products exclusively  
14 from vendors which were within the United States, as reflected at pages 68 to 69 of Office  
15 Depot's corporate representative testimony, a true and correct copy of which is attached hereto  
16 as Exhibit 2.

17 5. During the Relevant Period, Office Depot purchased CRT Products directly from  
18 Defendants, co-conspirators and their affiliates, all of which were located in the United States,  
19 as reflected in the purchase data Office Depot produced in this litigation.

20 6. Office Depot's vendors, including Defendants, co-conspirators and their affiliates,  
21 shipped these CRT Products to Office Depot's locations in the United States, as reflected at  
22 pages 44 to 45 of Office Depot's corporate representative testimony, a true and correct copy of  
23 which is attached hereto as Exhibit 3.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed this 18 day of December, 2014, at Boca Raton, FL

26  
27 By: 

28 Randall Wick

# Exhibit 1

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
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Master File No. 3:07-cv-05944 SC  
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Judge: Hon. Samuel Conti

This Document Relates To:

ALL ACTIONS

HIGHLY CONFIDENTIAL  
PURSUANT TO THE PROTECTIVE ORDER  
VIDEOTAPE DEPOSITION OF OFFICE DEPOT  
RANDALL WICK  
July 24, 2014  
401 East Las Olas Boulevard  
Fort Lauderdale, Florida

Taken on behalf of the Defendants before  
Michael J. D'Amato, RMR, Notary Public in and for the  
State of Florida at Large, pursuant to Notice of Taking  
Deposition in the above cause.

Job # 82097

1 of that first sentence.

2 A. Okay.

3 Q. With respect to this clause, again I'm really  
4 only focusing on the first two lines of this clause,  
5 what do you understand this clause to mean?

6 A. To me it appears that this vendor, Panasonic,  
7 will provide Office Depot with accurate information  
8 based on where the product, country of origination came  
9 from, the product.

10 Q. Why would that information be important for  
11 Office Depot?

12 A. I couldn't speak for this. I don't know what  
13 benefit it would have been for Office Depot.

14 Q. I think previously we had discussed and you  
15 believed that typically Office Depot would have sourced  
16 products from the vendors' U.S. operations?

17 A. We negotiate the deal through the U.S. based  
18 operations. Most product is shipped from overseas.

19 Q. You got a jump on the second part of the  
20 question. I appreciate it. Let's flip to 5 of 10.

21 A. Okay.

22 Q. Again you'll see similar program funds,  
23 billing terms. Is there, again there's a little bit of  
24 change between the two we have looked at, but is how  
25 these program funds would be accounted for with Office

# Exhibit 2

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1 their competitors for selling those products?

2 A. I couldn't speak for the team back then.

3 Q. Based just on your general knowledge do you  
4 have an understanding who would have been competing for  
5 selling CRT monitors in the industry, in the market  
6 that Office Depot was also selling in?

7 A. I would think, list of retailers, I would  
8 think Wal-Mart, all these specialty retailers across  
9 the U.S., Circuit City, Best Buy, Target, there could  
10 have been back then vendor stores but I would say there  
11 would be a very broad distribution of these products.

12 Q. It wouldn't just be limited to other office  
13 super stores it would be broader than that?

14 A. Yes.

15 Q. That would be your expectation. With respect  
16 to CRT monitors, picking the various vendors, would  
17 Office Depot consider what these other competitors were  
18 selling?

19 A. It would be part of the decision, yeah.

20 Q. Would that be the same for CRT televisions as  
21 well that they were purchasing?

22 A. Right.

23 Q. During the relevant time period with respect  
24 to purchasing CRT monitors -- let's take a step back.  
25 To the degree I need to dig deeper I will but let's try



1 to be broad. For the CRT finished products how did  
2 Office Depot procure those products? What I mean did  
3 they procure them directly from the CRT finished  
4 products manufacturers?

5 A. Yes. So if Panasonic was one of the  
6 manufacturers they would procure it through the U.S.  
7 operation and then however they procure the goods to  
8 our distribution centers.

9 Q. And with respect to, as you said through these  
10 vendors, U.S. operations, are you aware at any point  
11 during the relevant time period Office Depot would  
12 procure these products through any of these vendors'  
13 foreign operations?

14 A. I would not believe they would do that.

15 Q. With respect to, let's start with you  
16 mentioned earlier that purchasing CRT monitors from  
17 Philips, with respect to Philips, are you aware of what  
18 either monitors, televisions, what type of products  
19 they were procuring, Office Depot was procuring during  
20 that time?

21 A. No.

22 Q. And would that be fair to say for all the  
23 vendors, you would not be able to tell me which?

24 A. Correct.

25 Q. Did Office Depot ever procure CRT finished

# Exhibit 3

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1 complaint in this litigation?

2 A. Yes.

3 MR. IOVIENO: Object to the form.

4 Q. Do you know -- that was on the sale side. Do  
5 you know if the procurement of CRT finished products  
6 that would have been sold in these Canadian retail  
7 stores are they part of Office Depot's basis for this  
8 litigation?

9 MR. IOVIENO: Object to the form.

10 A. I believe so.

11 Q. With respect -- strike that. To the extent  
12 you know, especially since you reviewed the procurement  
13 data, is there any way looking at the procurement data  
14 that was produced in this case to be able to determine  
15 when a CRT finished product was procured for an  
16 American store versus a Canadian store?

17 MR. IOVIENO: Object to the form.

18 A. I would not know that.

19 Q. With respect to during the relevant time  
20 period -- strike that.

21 How did these retail stores, let's start with  
22 the American retail stores. How did the retail stores  
23 receive product, specifically CRT finished products?

24 A. The products would have been procured from the  
25 manufacturers which would have been shipped to our

1 distribution centers throughout the U.S. and then the  
2 distribution centers would have procured those goods to  
3 each store.

4 Q. Approximately, again I know it likely changed  
5 year to year but approximately during the relevant time  
6 period how many distribution centers were there?

7 A. To the best of my knowledge probably mid  
8 single digit.

9 Q. Do you know if Office Depot ever had  
10 distribution centers that were in Canada?

11 A. I do not know.

12 Q. In a related question do you know then for the  
13 retail stores that were in Canada whether they received  
14 their product from a distribution center that was in  
15 the U.S. versus a distribution center that was in  
16 Canada?

17 A. I do not know.

18 Q. So it is possible a distribution center in the  
19 U.S. also supplied stores in Canada?

20 A. It's possible.

21 Q. With respect to -- again we've touched on this  
22 a little bit but I'll break it down and I want to  
23 confirm different points of what we have discussed.  
24 Did Office Depot sell CRT finished products through an  
25 online store during the relevant time period?